

Application No. 10/785,547
Amendment dated November 22, 2006
Reply to Office Action of July 24, 2006

REMARKS/ARGUMENTS

Applicants have reviewed and considered the Office Action mailed on July 24, 2006, and the references cited therewith.

Claims 1, 3, 6, 7, 9, 10, 11, and 14 are amended, claims 2, 4, 16, 22, and 23 are canceled, and claims 24 and 25 are added; as a result, claims 1, 3, 5-15, 17-21, and 24-25 are now pending in this application.

Applicants respectfully submit that claims 24 and 25 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Allowable Subject Matter

Claim 21 is allowed. Applicants thank the Examiner for the allowance of claim 21.

Claims 4-8, 10-13 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have incorporated the allowable subject matter of dependent claim 4 into its respective base claim 1. Similarly, Applicants have incorporated the allowable subject matter of claim 16 into its respective base claim 14. And, Applicants have incorporated the subject matter of claim 1 into claim 6, which has been identified by the Examiner to be allowable. As such, claim 6, as amended, is now an independent claim with allowable subject matter.

§112 Rejection of the Claims

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Claim 3 depends from canceled claim 2. Appropriate correction has been made.

Application No. 10/785,547
Amendment dated November 22, 2006
Reply to Office Action of July 24, 2006

§102 Rejection of the Claims

Claim 14 was rejected under 35 USC §102(b) as being anticipated by Kotliar (U.S. Patent No. 5,974,222). Applicants respectfully traverse the rejection. However, in the interest of moving this case to issuance, and as stated above, Applicants have amended independent claim 14 to recite the allowable subject matter of claim 16, and have canceled claim 16. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §102 rejection of claim 14, as well as those claims which depend therefrom.

Applicants respectfully reserve the right to prosecute the subject matter recited in claim 14 prior to the instant amendment in one or more continuation applications.

§103 Rejection of the Claims

Claims 1, 3, 9, and 22-23 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,974,222 to Kotliar in view of U.S. Patent No. 5,097,548 to Heck et al.

For the reasons provided above, Applicants submit that independent claim 1, as amended, is in condition for allowance. That is, independent claim 1 recites subject matter indicated by the Examiner to be allowable in connection with dependent claim 4. Applicants have canceled claim 4 and incorporated its allowable subject matter into base claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §103 rejection of claim 1, as well as those claims which depend therefrom.

Applicants respectfully reserve the right to prosecute the subject matter recited in claim 1 prior to the instant amendment in one or more continuation applications.

Claim 3 depends from allowable claim 1, and claim 9 depends from allowable claim 6, as such claims 3 and 9 are deemed allowable. Accordingly, Applicants respectfully request reconsideration and withdrawal

Application No. 10/785,547
Amendment dated November 22, 2006
Reply to Office Action of July 24, 2006

of the §103 rejection of claims 3 and 9. Applicants have canceled claims 22 and 23, rendering a response to their rejections moot.

Claim 15 was rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,974,222 to Kotliar in view of U.S. Patent No. 6,245,096 to Tomic-Edgar et al. Claim 15 depends from allowable claim 14, as such claim 15 is deemed allowable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §103 rejection of claim 15.

Application No. 10/785,547
Amendment dated November 22, 2006
Reply to Office Action of July 24, 2006

Conclusion

If a Petition for Extension of Time under 37 C.F.R. 1.136(a) or an additional Petition for Extension of Time under 37 C.F.R. 1.136(a) is required, the petition is herewith made and the Commissioner is authorized to charge the required fee to deposit account number 500326.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 500326.

In light of all the foregoing, believing that all things raised in Examiner's July 24, 2006 Office Action have been addressed, Applicants respectfully request reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, Applicants invite the Examiner to contact the undersigned at 210.255.6788.

Respectfully submitted,

For Applicants

Anthony Castiglione, Reg. No.: 56,051
Intellectual Property Counsel
Kinetic Concepts, Inc.
Legal Department – Intellectual Property
8023 Vantage Drive
San Antonio, Texas 78230
Telephone: 210.255.6788
Facsimile: 210.255.6969
E-mail: anthony.castiglione@kci1.com

I:\Patents\COO.441\COO.441A\COO.441A.US\COO.441A.US Reply to OA dated 07_24_06.doc/kf